

• • R E M A R K S / A R G U M E N T S • •

The Official Action of June 15, 2005 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment the claims 6 and 7 have been amended herein to recite that the units of hardness of the elastomeric polymer are "JIS A." which is consistent with evaluation methods and measured hardness discussed on page 10 of applicants' specification.

Also by the present amendment, step d) has been deleted from claim 21.

Entry of the changes to the claims is respectfully requested.

On page 2 of the Official Action the Examiner objected to applicants' amendment filed March 25, 2005 under 35 U.S.C. §132(a) on the basis that the recitation of "Duro A hardness" involved new matter.

In response to this objection claim 6 and 7 have been amended to recite "JIS A" hardness which is measured on page 10 using the referenced standardized JIS testing methods.

On page 3 of the Office Action the Examiner has objected to Claim 21 on the basis that the Examiner considered step d) as being directed to a method of using the basket rather than a method of producing the gasket.

In response to this objection to claim 21, claim 21 has been amendment to delete step d).

Claims 2-9 and 21 are pending in this application.

Claims 21 and 2-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent Application No. EP 1 220 345 to Nagai in view of U.S. Patent No. 4,337,332 to Melancon et al.

In response to the Examiner's reliance upon European Patent Application No. EP 1 220 345 to Nagai, applicants are herewith submitting a Certified Copy and verified English translation of JP 119408/1999 to which priority of the present application is claimed under 35 U.S.C. §119.

The submission of the Certified Copy and verified English translation of JP 119408/1999 perfects applicants' claim to priority under 35 U.S.C. §119 so that the present application enjoys the priority date of April 4, 1999.

European Patent Application No. EP 1 220 345 to Nagai enjoys a priority date of September 1, 1999 which is later than the perfected priority date the present application currently enjoys.

Moreover, European Patent Application No. EP 1 220 345 to Nagai was not published until March 8, 2001.

It accordingly follows that European Patent Application No. EP 1 220 345 to Nagai is no longer available to the Examiner as a prior art reference in the present application.

It is noted that the Examiner courteously suggested that applicants' perfect their claim to the priority date of JP 119408/1999 in the paragraph bridging pages 2 and 3 of the Official Action.

Applicants have, with appreciation, taken the Examiner's suggested advice.

Appl. No. 10/620,880
Amdt. Dated September 7, 2005
Reply to Office Action of June 15, 2005

Inasmuch as European Patent Application No. EP 1 220 345 to Nagai has been removed from being a prior art reference in this application, the outstanding rejection of the claims as being unpatentable over European Patent Application No. EP 1 220 345 to Nagai in view of U.S. Patent No. 4,337,332 to Melancon et al. should properly be withdrawn.

Entry of the present amendment together with the Certified Copy and verified English translation of JP 119408/1999 and an early allowance of the application are respectfully requested.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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